

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------------------|---|------------------|
| MICHAEL MILLER, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | No. 5:24-cv-5338 |
| | : | |
| COUNTY OF LANCASTER, <i>et al.</i> , | : | |
| Defendants. | : | |

ORDER

AND NOW, this 16th day of December, 2024, upon consideration of Plaintiff's Motion to Strike Improper Materials Attached to Defendant's Motion to Dismiss, ECF No. 24, **IT IS HEREBY ORDERED THAT:**

1. The Motion, ECF No. 24, is **DENIED**.¹

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge

¹ Plaintiff's Motion to Strike Improper Materials Attached to Defendant's Motion to Dismiss asks that this Court strike, or decline to consider, the attachments to Defendants' Motion to Dismiss and Brief in Support, *see* ECF Nos. 17-18, because these attachments were not referenced in Plaintiff's Amended Complaint. The attachments are copies of the Complaint and Report and Recommendation in a case decided by the Middle District of Pennsylvania in which Plaintiff's complaint against Defendant County of Lancaster was dismissed with prejudice, *Miller v. Cnty. of Lancaster*, No. 1:24-CV-00014, 2024 WL 4615199 (M.D. Pa. Sept. 30, 2024), and which Defendants argue bars Plaintiff's instant case on the basis of *res judicata*. *See* Brief in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 18. This Court takes judicial notice of the filings in the Middle District case, No. 1:24-CV-00014, and so their inclusion as exhibits to the Motion to Dismiss is permissible; the attachments need not be stricken.